

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Raymond Stebbins

v.

Civil No. 10-cv-425-PB

New Hampshire Secretary of State

O R D E R

Pro se plaintiff Raymond Stebbins filed suit against the New Hampshire Secretary of State on September 22, 2010 (doc. no. 1). On September 24, 2010, the Clerk's Office of this Court mailed plaintiff a summons and waiver for defendant.

Plaintiff is required to serve a summons and a copy of the complaint upon a defendant within 120 days of the date the complaint was filed. See Fed. R. Civ. P. 4(m).¹ If plaintiff fails to so serve the plaintiff, the Court must dismiss the complaint without prejudice or give plaintiff an additional specified period of time within which to make service upon the defendant. Id.

¹Fed. R. Civ. P. 4(m) states, in relevant part:

If a defendant is not served within 120 days after the complaint is filed, the court - upon motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

As of March 1, 2011, 158 days after the complaint in this case was filed, plaintiff has not filed any return of service indicating that defendant has been served with a copy of the complaint. Pursuant to Fed. R. Civ. P. 4(m), service was to have been made by January 21, 2011. See id.

Plaintiff is hereby notified that he has thirty days from the date of this Order to serve the defendant and file return of service documents in this Court indicating that the defendant has been served.

If plaintiff seeks additional time to make service upon the defendant in this matter, he must so move the Court prior to March 31, 2011, and demonstrate good cause why the defendant cannot be served in the time provided herein. See id.

Failure to comply with this Order will result in a recommendation to the District Judge that this matter be dismissed.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Date: March 1, 2011

cc: Raymond Stebbins, pro se

LBM:jba